



**THE ATTORNEY GENERAL  
OF TEXAS**

GERALD C. MANN  
~~WILLIAMSON~~  
ATTORNEY GENERAL

AUSTIN 11, TEXAS

June 13, 1939

Honorable Peyton Burke  
County Auditor  
Falls County  
Marlin, Texas

Dear Sir:

Opinion No. 0-943

Re: From what funds should payment  
for election supplies used in  
a county school trustee elec-  
tion be made?

Your request for an opinion on the above-stated ques-  
tion has been received by this office.

Article 2676 Revised Civil Statutes, reads as follows:

"The general management and control of the public free schools and high schools in each county, unless otherwise provided by law shall be vested in five (5) county school trustees elected from the county, one of whom shall be elected from the county at large by the qualified voters of the common and consolidated independent school districts of the county, and one from each Commissioners' Precinct by the qualified voters of each Commissioners' Precinct, who shall hold office for a term of two years. The time for such election shall be the first Saturday in April of each year; the order for the election of county school trustees to be made by the county judge at least thirty days prior to the date of said election, and such order shall designate one voting place for each common school district. The election officer appointed to hold the election for trustees in each common school district shall hold the election at the same place therein for the county school trustees. Each year there shall be elected alternately two (2) county school trustees and three (3) county school trustees in each county. The State Superintendent shall prepare a proper form of the ballot to be used in such election and such other explanation of the laws

as he deems necessary, and transmit the same to the county judge of each county at least sixty days prior to the date of such election. All vacancies shall be filled by the remaining trustees. All elections heretofore held in accordance with the foregoing provisions of this section are hereby in all things validated and all trustees so elected shall continue to hold office until the expiration of the term for which they were originally elected.

"All laws and parts of laws in conflict herewith shall be and the same are hereby repealed."

Article 2746b, Revised Civil Statutes, provides as follows:

"All expenses incurred in connection with or incidental to any school district election in connection with the public school within such school district shall be paid out of the available maintenance fund belonging to such district for the fiscal year during which such election is held, or out of funds accruing to said district for the next ensuing fiscal year; provided, however, that the payment of any such expenses out of the funds accrued or to accrue to such school district for the fiscal year after the year in which such election is held shall be authorized by the county superintendent prior to the holding of such election."

You are respectfully advised that it is the opinion of this department that the election supplies used in the election of county school trustees should be paid for out of the various available maintenance funds belonging to such districts in which such election is held.

Trusting that the foregoing answers your inquiry, we are

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Yours very truly

ATTORNEY GENERAL OF TEXAS

By s/Ardell Williams  
Ardell Williams  
Assistant

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APPROVED:

s/Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

Approved Opinion Committee By s/GOB Chairman